

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 30 , 2002

IN RE:

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
PETITION FOR EXPEDITED REVIEW OF
CENTRAL OFFICE CODE DENIALS BY
THE NORTH AMERICAN NUMBERING
PLAN ADMINISTRATION RELATING TO
THE SERVICEMASTER COMPANY OF
MEMPHIS, TENNESSEE**

**DOCKET NO.
02-00315**

**ORDER APPROVING PETITION FOR
EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL
AND REVERSING CENTRAL OFFICE CODE DENIAL**

This matter came before the Tennessee Regulatory Authority ("Authority" or "TRA") at a regularly scheduled Authority Conference held on April 30, 2002, for consideration of the *Petition for Expedited Review of Central Office Code Denial* filed by BellSouth Telecommunications, Inc. ("BellSouth") on March 26, 2002.

Background

In March of 2000, the Federal Communications Commission ("FCC"), recognizing "the near-crisis" caused by the exhaustion of telephone numbers in certain expanding geographic areas, initiated a policy designed "to slow down the rate at which central office codes (or NXXs) in those areas are assigned to carriers."¹ Among other things, the FCC adopted a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers

¹ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 2000 WL 339808, 15 FCC Rcd. 7574, ¶¶ 183, 191 (*Report and Order and Further Notice of Proposed Rule Making*) (Released March 31, 2000) (hereinafter *Report and Order*) ¶ 2.

must report their utilization, and a utilization threshold framework to increase carrier accountability and provide incentives to use numbers efficiently.² Under this policy, carriers seeking additional numbering resources must apply to the North American Numbering Plan Administration (“NANPA”), which decides whether to allocate the numbers.³

On or about February 12, 2002, BellSouth submitted an application to NANPA to obtain numbering resources sufficient to satisfy the demands of its customer, The ServiceMaster Company (“ServiceMaster”) for a growth code in the Memphis area. ServiceMaster sought to consolidate all locations in the Memphis area into a four digit dialing plan. Because BellSouth did not have sufficient numbers within its inventory to satisfy the request, it applied to NANPA. On February 26, 2002, NANPA denied BellSouth’s request on the ground that BellSouth had not met the rate center based months to exhaust criteria set forth in the Central Office Code Guidelines.⁴

On March 26, 2002 BellSouth filed with the Authority its *Petition for Expedited Review of Central Office Code Denial*. BellSouth asserts that its inability to supply ServiceMaster, a large business customer, with the requested numbers within the same NXX code prevents BellSouth from providing the quality of service its customer expects. BellSouth further argues that providing the requested numbering resources would not materially impact the exhaustion of available numbers in the 901 area code. BellSouth requests that the Authority reverse NANPA’s denial of its application and order the release of numbering resources to meet ServiceMaster’s needs.

² See *id.*, ¶¶ 40-41, 84, 97-98.

³ See 47 C.F.R. § 52.14(g).

⁴ See *Report and Order*, ¶ 241.

Findings of Fact and Conclusions of Law

Review by the TRA of NANPA's denial of BellSouth's application is authorized by 47 C.F.R. § 52.15(g)(3)(iv), which states in pertinent part:

The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state commission may affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

State commissions conducting this review must act consistently with the FCC's policy of facilitating fair and efficient numbering administration in the United States and ensuring that numbering resources are available to all telecommunications service providers on a fair and equitable basis.⁵

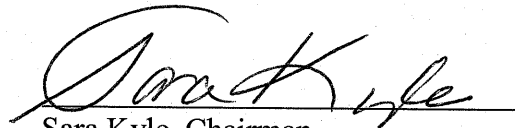
At a regularly scheduled Authority Conference held on April 30, 2002, the Directors considered BellSouth's *Petition for Expedited Review of Central Office Code Denial*. During deliberations, the Directors were informed that BellSouth's request had been investigated and BellSouth did not have sufficient numbers under the same telephone number prefix to satisfy ServiceMaster's request. After consideration of the record, the public interest and this agency's responsibility to promote competition in the telecommunication industry, the Directors voted unanimously to approve BellSouth's request for expedited review and reversed NANPA's denial

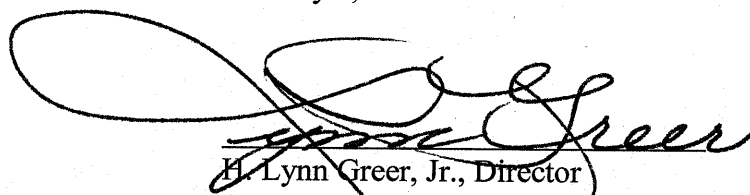
⁵ See, e.g., *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 16 F.C.C.R. 15,842, 2001 WL 964979 (*Order*) (Released August 24, 2001) ¶ 8 ("the state commissions, to the extent that they act under the authority delegated herein, must ensure that numbers are made available on an equitable basis; that numbering resources are made available on an efficient and timely basis; that whatever policies the state commissions institute with regard to numbering administration not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and that the state commissions not unduly favor one telecommunications technology over another."); *FCC Announces GSA Approval of North American Numbering Council Through October 4, 2003*, CC Docket No. 92-237, 16 F.C.C.R. 18,502, 2001 WL 1222428 (*Public Notice*) (Released October 15, 2001).

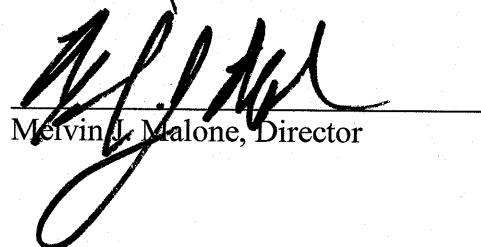
of BellSouth's request for additional numbering resources.⁶

IT IS THEREFORE ORDERED THAT:

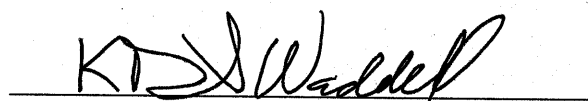
The *Petition for Expedited Review of Central Office Code Denial* filed by BellSouth Telecommunications, Inc. is granted.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Mervin L. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary

⁶ See Tenn. Code Ann. § 65-4-123.